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Special theme: Millennium Development Goals and indigenous peoples: redefining the goals

Information received from Governments

Switzerland

Summary

The recommendations contained in the report of the Permanent Forum on Indigenous Issues on its fourth session are consistent with progressive and good practices in the area of indigenous peoples' rights. Many of the recommendations also help States to fulfil their obligations under existing international human rights law.

Switzerland can endorse most of the recommendations, but paragraph 14 raises some questions and paragraphs 22, 23 and 129 should be reconsidered. On many issues the recommendations reflect the position of the Swiss Agency for Development and Cooperation on indigenous peoples as outlined in its policy paper "Swiss action for indigenous peoples" (1998).

* E/C.19/2006/1.

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Comments of the Swiss authorities on the recommendations of the report of the Permanent Forum on Indigenous Issues on its fourth session

Analysis by paragraphs

1. Paragraph 12 of the report of the Permanent Forum on Indigenous Issues on its fourth session[1] is consistent with good practices. Support for indigenous peoples' "visions of and strategies for development" is recognized in the draft declaration on the rights of indigenous peoples. Raising the profile of indigenous peoples in the Millennium Development Goal processes will help to achieve the Millennium Development Goals in a more equitable and less harmful way.

2. Paragraph 13 is also consistent with good practices. A gender perspective could be highlighted in the last sentence by stating that women's participation in these dialogues should be promoted (see also paragraph 18 of the report).

3. With reference to paragraph 14, the human rights-based approach is consistent with Switzerland's development policy. The references to recognition of indigenous peoples as distinct peoples, including as peoples under common article 1 of the International Covenant on Civil and Political Rights and the International Convention on Economic and Social Rights is more controversial. Recognizing indigenous peoples as such is considered progressive, but many States are concerned that linking the rights of indigenous peoples to common article 1 means recognizing that such peoples have the right to self-determination. The way indigenous peoples interpret the right to self-determination does not in principle threaten the territorial boundaries of States, but it does have implications for the autonomous use of lands, territories and resources within those territories. In the policy of the Swiss Agency for Development and Cooperation (SDC) on indigenous peoples, adopted in 1998, it is stated that Switzerland endorses the view that indigenous peoples have the right to self-determination but does not expressly recognize this in connection with common article 1. Switzerland has also been supportive of the right to self-determination during the negotiations on the United Nations draft declaration on the rights of indigenous peoples.

4. Paragraph 15 contains positive and progressive suggestions.

5. SDC is already implementing the recommendation of paragraph 16 through annual capacity-building workshops.

6. Switzerland supports the progressive recommendation of paragraph 17.

7. Paragraph 18 refers to very progressive good practices. Switzerland supports this recommendation, which is also helping to realize provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

8. Paragraph 19 contains very progressive recommendations. SDC has a policy addressing issues relating to indigenous peoples and was one of the first development agencies to adopt such a policy.

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[1] *Official Records of the Economic and Social Council, 2005, Supplement No. 23* (E/2005/43-E/C.19/2005/9).

9. Paragraph 20 refers to progressive good practices. Switzerland supports this recommendation.

10. Paragraph 22 is problematic. It points to concerns on the part of organizations and communities of indigenous peoples that Governments or other non-governmental organizations do not take account of the concerns of indigenous peoples and/or disempower them by implementing programmes without their participation or consent. The difficulty is that development agencies often work directly with Governments, which this paragraph is critical of. Some communities of indigenous peoples also have weak capacities and need assistance from external actors to have an effective dialogue with development agencies. This paragraph may therefore have implications for the operational modalities of SDC development cooperation.

11. Paragraph 23 is consistent with a human rights-based approach to Millennium Development Goal 1, target 2, on reducing hunger, but if there is indeed a right to food, there is no right to "nutritional security". Should States recognize such a collective right, and if so, only for indigenous peoples?

12. Paragraph 30 may help organizations of indigenous peoples to raise funds in order to participate in the meeting.

13. The progressive recommendations in paragraph 43 can be supported by Switzerland.

14. The recommendation in paragraph 44 is very progressive and consistent with agreed principles contained in the Dakar Framework for Action, Education for All.

15. Regarding paragraph 62, violence against indigenous peoples is an important issue, so it is positive that the Permanent Forum is recognizing this fact and calling for greater attention to address it.

16. Referring to paragraph 63 of the report, Switzerland has ratified the International Convention on the Elimination of All Forms of Racial Discrimination but not yet International Labour Organization Convention No. 169.

17. The very positive recommendation in paragraph 102 is also consistent with the provisions of the Convention on the Rights of the Child.